

NEW SECTION. Section 7. Enforcement. (1) [Sections 1 through 98] may be enforced by the attorney general or a county attorney of the county in which the violation occurs.

(2) If the attorney general or a county attorney has a reason to believe that a violation of [sections 1 through 8] has occurred, based on consumer complaints or other market references, the attorney general or county attorney may obtain a search warrant or issue subpoenas for relevant books and records.

NEW SECTION. Section 8. Nonapplicability. (1) [SECTIONS 1 through 9] SHALL NOT APPLY TO THE SALE OF ESSENTIAL GOODS OR SERVICES, AT RETAIL OR WHOLESALE, SOLD BY A PERSON PURSUANT TO A TARIFF OR RATE APPROVED BY A FEDERAL OR STATE AGENCY WITH POWER AND AUTHORITY OVER SALES OF SUCH GOODS OR SERVICES.

NEW SECTION. Section 98. Penalties. (1) A person who knowingly violates a provision of [sections 1 through 98] is guilty of a misdemeanor punishable by up to 6 months incarceration and a fine of up to \$2,500 for each incident for an individual and a fine of up to \$20,000 for each incident for an enterprise. A violation of [sections 1 through 98] also constitutes a violation of 30-14-103.

(2) Fines for cases prosecuted by the attorney general must be deposited in the state special revenue account established in 30-14-143. In cases prosecuted by a county attorney, 10% of the fines collected must be deposited in the state special revenue account established in 30-14-143, and the court may order the balance of the fines to be returned to the prosecuting agency.

(3) (a) A person who has violated a provision of [sections 1 through 98] shall return profits from the violation as restitution to victims, if practicable, as determined by a court.

(b) If restitution to victims is not practicable:

(i) the returned profits for cases prosecuted by the attorney general must be deposited in the state special revenue account established in 30-14-143; and

(ii) in cases prosecuted by a county attorney, 10% of the returned profits must be deposited in the state special revenue account established in 30-14-143, and the court shall order the balance of the returned profits to be paid to the prosecuting agency.

NEW SECTION. **Section 109. Codification instruction.** [Sections 1 through 98] are intended to be codified as an integral part of Title 30, chapter 14, and the provisions of Title 30, chapter 14, apply to [sections 1 through 98].